

**BEFORE THE TENNESSEE REGULATORY AUTHORITY**  
**NASHVILLE, TENNESSEE**

**September 2, 2003**

**IN RE:**

**PETITION FOR APPROVAL OF AMENDMENTS  
TO RESALE AGREEMENT BETWEEN  
BELLSOUTH TELECOMMUNICATIONS, INC.  
AND TENNESSEE TELEPHONE SERVICE D/B/A  
FREEDOM COMMUNICATIONS, LLC**

**DOCKET NO.  
03-00399**

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**ORDER APPROVING  
FIRST SET OF AMENDMENTS TO RESALE AGREEMENT**

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This matter came before Chairman Deborah Taylor Tate, Director Pat Miller and Director Ron Jones of the Tennessee Regulatory Authority (the "Authority" or "TRA"), the voting panel assigned to this docket, at a regularly scheduled Authority Conference held on August 4, 2003, to consider, pursuant to 47 U.S.C. § 252, the Petition for approval of the first set of amendments to the resale agreement negotiated between BellSouth Telecommunications, Inc. and Tennessee Telephone Service d/b/a Freedom Communications, LLC.<sup>1</sup>

The original resale agreement was filed on March 6, 2000, and was assigned Docket No. 00-00185. It was approved at a regularly scheduled Authority Conference on May 23, 2000. The first set of amendments, which is the subject of this docket, was filed on June 20, 2003.

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<sup>1</sup> On March 3, 2003, at a regularly scheduled Authority Conference, Tennessee Telephone Service's request to change its name from Tennessee Telephone Service to Tennessee Telephone Service d/b/a Freedom Communications, LLC was granted by the Authority. See *In re: Petition of Tennessee Telephone Service to Change their Name to Tennessee Telephone Service d/b/a Freedom Communications, LLC*, Docket No. 03-00108.

Based upon a review of the first set of amendments, the record in this matter, and the standards for review set forth in 47 U.S.C. § 252, the Directors unanimously granted the Petition and made the following findings and conclusions:

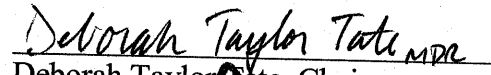
- 1) The Authority has jurisdiction over public utilities pursuant to Tenn. Code Ann. § 65-4-104.
- 2) The amendments are in the public interest as they provide consumers with alternative sources of telecommunications services within the service area of BellSouth Telecommunications, Inc.
- 3) The amendments are not discriminatory to telecommunications service providers that are not parties thereto.
- 4) 47 U.S.C. § 252(e)(2)(A) provides that a state commission may reject a negotiated agreement only if it “discriminates against a telecommunications carrier not a party to the agreement” or if the implementation of the agreement “is not consistent with the public interest, convenience or necessity.” Unlike arbitrated agreements, a state commission may not reject a negotiated agreement on the grounds that the agreement fails to meet the requirements of 47 U.S.C. §§ 251 or 252(d).<sup>2</sup> Thus, although the Authority finds that neither ground for rejection of a negotiated agreement exists, this finding should not be construed to mean that the amendments are consistent with §§ 251 or 252(d) or, for that matter, previous Authority decisions.
- 5) No person or entity has sought to intervene in this docket.
- 6) The amendments are reviewable by the Authority pursuant to 47 U.S.C. § 252 and Tenn. Code Ann. § 65-4-104.

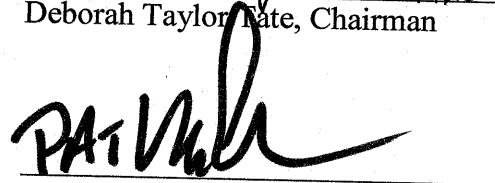
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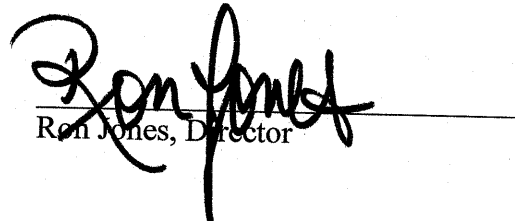
<sup>2</sup> See 47 U.S.C. § 252(e)(2)(B).

**IT IS THEREFORE ORDERED THAT:**

The Petition is granted, and the first set of amendments to the resale agreement negotiated between BellSouth Telecommunications, Inc. and Tennessee Telephone Service d/b/a Freedom Communications, LLC is approved and is subject to the review of the Authority as provided herein.

  
Deborah Taylor Tate, Chairman

  
Pat Miller, Director

  
Ron Jones, Director